

REMARKS

In the Office Action dated August 10, 2005, pending claims 1, 7, and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,231,059 to Pente ("Pente"). Pending claims 20, 22-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,632,268 to Schroeder ("Schroeder").

Summary of Interview with Examiner

The undersigned counsel conducted a telephonic interview with the Examiner on December 22, 2005, regarding the above-referenced rejections. The undersigned appreciates the Examiner's willingness to discuss these issues and appreciates her time in doing so.

The undersigned and Examiner first discussed the application of Pente to Applicant's independent claim 1. The undersigned stated that Pente disclosed a teacup cutout toy that is incapable of engaging a tire to hold the front panel of Pente in a predetermined position. The Examiner felt that more specificity was required in claim 1. Accordingly, Applicant amends claim 1 by adding that the tabs are engageable with the tire to hold said front panel in a predetermined position substantially covering an opening of the tire.

The undersigned and Examiner next discussed the application of Schroeder to independent claims 20 and 22. Particularly, the undersigned contended that Schroeder failed to disclose that the edges of at least two of said tabs are coplanar with the edge of the front panel. The Examiner stated that the use of coplanar was unclear. Accordingly, Applicant amends claims 20 and 22 to state that the edges of at least two of said tabs are aligned with the edge of the front panel, to better clarify the limitation.

The Examiner agreed to review these amendments in light of Applicant submitting a request for continued examination. Accordingly, Applicant submits the following request for continued examination and respectfully request indication that all pending claims are now allowable.

35 U.S.C. §102(b) – Pente

Pending claims 1, 7, and 19 stand rejected under §102(b) as being anticipated by Pente. Applicant amends claim 1 to provide that the tabs are engageable with the tire to hold the front panel in a predetermined position substantially covering an opening of the tire. Applicant, therefore, respectfully traverses this rejection.

In particular, Applicant contends that Pente fails to disclose that the tabs are engageable with the tire to hold the front panel in a predetermined position substantially covering an opening of the tire, as required by Applicant's amended claim 1. The tabs 8 and 11 of Pente are slide tabs that engage each other to hold the two sides together. The tabs 8 and 11 are incapable of engaging a tire as they have already engaged each other to hold the two sides together. Additionally, Pente discloses a teacup cutout toy wherein the tabs 8 and 11 are not capable of holding the front panel in a predetermined position substantially covering an opening of the tire. The tabs 8 and 11 are incapable of applying enough of a biasing pressure against the tire to hold the front panel in the predetermined position substantially covering an opening of the tire. Additionally, the front panel of Pente is incapable of substantially covering an opening of the tire. Applicant, therefore, respectfully requests the Examiner withdraw this rejection and indicate claim 1 as allowable.

As claims 7 and 19 depend, either directly or indirectly, from claim 1 and add additional limitations thereto, the argument above applies equally to those claims. Accordingly, Applicant submits that claims 7 and 19 are allowable and respectfully request the rejection of such be withdrawn.

35 U.S.C. §102(b) – Schroeder

Pending claims 20, 22-24 stand rejected under §102(b) as being anticipated by Schroeder. Applicant amends claims 20 and 22 to clarify that the tabs have at least one edge wherein the edges of at least two of said tabs are aligned with the edge of the front panel. Applicant, therefore, respectfully traverses this rejection.

In particular, Applicant contends that Schroeder fails to disclose or teach the tabs having at least one edge wherein the edges of at least two of said tabs are aligned with the edge of the front panel, as required by amended claims 20 and 22. No edges of the tabs 22, 35 and 23, 36 are aligned with the edge of the front panel of Schroeder. This can clearly be seen in FIG. 1 of Schroeder. Accordingly, Applicant respectfully requests the Examiner withdraw these rejections and indicate claims 20 and 22 as allowable.

As claims 23 and 24 depend, either directly or indirectly, from claim 22 and add additional limitations thereto, the argument above applies equally to those claims. Accordingly, Applicant submits that claims 22 and 23 are allowable and respectfully request the rejection of such be withdrawn.

In light of the foregoing, Applicant submits that the application is in condition for allowance.

Respectfully submitted,

Date: Feb 10, 2006

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